

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 20, 2008

By Fax

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

Re: Victoria L. Bertotti v. Astrue
07 Civ. 8448 (VM)

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the Court's briefing schedule.

Under the current schedule, defendant's brief in support of a motion for judgment on the pleadings was due by June 20, 2008, plaintiff's brief in support of a cross-motion for judgment on the pleadings was due on July 21, 2008, and defendant's reply, if any, was due on August 4, 2008. The Social Security Administration continues to review this matter, which could result in a change of the defendant's litigation position in this action. Because this matter may be settled without the need for further litigation, we respectfully request that the Court adopt the following proposed briefing schedule:

- 1) Defendant shall serve a motion for judgment on the pleadings by July 22, 2008;
- 2) Plaintiff's opposition to defendant's motion and cross-motion are due by August 21, 2008;
- 3) Defendant's reply, if any, is due by September 4, 2008.

Plaintiff's counsel has consented to this request. This is the second request for an adjournment of the briefing schedule.

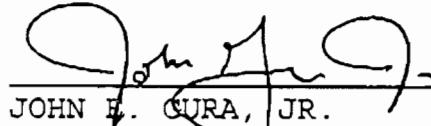
We apologize for the delay in making this request and

thank the Court for its attention to this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


JOHN E. CURA, JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: Eugenie Gilmore, Esq.
(By Fax)

Request GRANTED. The briefing schedule with regard to the motion for judgment on the pleadings herein is extended as set forth herein: motion papers submitted by 7-22-08; response and reply 8-21-08; reply 9-4-08.

SO ORDERED.

6-30-08
DATE


VICTOR MARRERO, U.S.D.J.